

UNITED STATES BANKRUPTCY COURT  
2:30 p.m.  
EASTERN DISTRICT OF NEW YORK

Return Date: 6/5/13 at

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In re:

Chapter 11  
Case No. 13-42244

234 8<sup>th</sup> ST. CORP.,

Debtors,  
-----X

NOTICE OF MOTION FOR AN ORDER COMPELLING MERYL WENIG, AS  
RECEIVER, TO PRODUCE ALL INFORMATION CONCERNING INSURANCE ON  
THE DEBTOR'S BUILDING

PLEASE TAKE NOTICE, that on June 5, 2013 at 2:30 pm, a hearing will be held before the honorable Carla E. Craig, U.S Bankruptcy Judge, at the U.S Bankruptcy Court, 271 Cadman Plaza East, Brooklyn, NY 11201, Courtroom 3529, on the debtor's motion seeking the entry of an order compelling the state court receiver Meryl Wenig, Esq., to provide all information, including copies, of the insurance maintain by the receiver on the debtor's building located at 234 8<sup>th</sup> Street, Brooklyn, New York.

PLEASE TAKE FURTHER NOTICE, that objections, if any, must be made in writing and served and filed in conformity with the Electronic Filing Procedures of the Eastern District of New York.

Dated: New York, New York  
May 24, 2013

KERA & GRAUBARD  
Attorneys for the Debtor

By: 

M. David Graubard, Esq.  
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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re

234 8<sup>th</sup> ST. CORP.,

Chapter 11  
Chase No. 13-42244

APPLICATION

Debtor.  
-----X

TO THE HONORABLE CARLA E. CRAIG, U.S BANKRUPTCY JUDGE:

The application of 234 8<sup>th</sup> St. Corp., by its attorneys, . respectfully shows:

1. On April 17, 2013 the debtor filled a voluntary petition for reorganization under Chapter 11 of the United States Bankruptcy Code and was duly authorized to remain as debtor in possession.
2. Prior to the filing of the chapter 11 petition, there was a foreclosure action pending against the debtor.
3. In the foreclosure action, a receiver has been appointed. The receiver's name is Meryl Wenig, Esq., located at 26 Court St, Suite 1200, Brooklyn, NY11242.
4. The receiver is represented by counsel, Barbara Odwak, Esq., 32 Court St, Suite 1703, Brooklyn, NY 11201.
5. Since May 7, 2013, , the debtor has requested that the receiver provide the debtor with the insurance information on the debtor's real property, consisting of an eight unit residential building located at 234 8<sup>th</sup> St, Brooklyn, New York.

6. To date, the receiver has refused to turn over the insurance information to the debtor. The U.S trustee has requested this information on two separate occasions (the informal meeting and the 341 meeting) and the debtor is fearful that the receiver has not produced the information because perhaps the receiver does not have insurance on the building.

7. The debtor was informed by counsel for the secured creditor at the 341 Meeting held on May 21, 2013 that the secured creditor's request for insurance information from the receiver had likewise gone unanswered.

8. It is imperative that debtor's building have insurance and the receiver produce the insurance information immediately

9. Copies of the various emails between counsel for debtor and counsel for the receiver, dated May 7th through May 24<sup>th</sup>, 2013, that describe the debtor's requests and the receiver's responses are annexed collectively as exhibit A.

WHEREFORE, the debtor respectfully requests this Court to issue an order directing the receiver Meryl Wenig to produce all information and documents concerning

the insurance on the debtor's premises at 234 8<sup>th</sup> St., Brooklyn, New York., together with such other and further made proper.

Dated: New York, New York

234 8<sup>th</sup> St. Corp, Debtor

May 24, 2013

By: Kera & Graubard, its Attorneys

By: 

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